

### **REMARKS**

The present application has been reviewed in light of the Office Action dated April 21, 2008. Claims 1, 3-11 and 16-19 are pending in the application. Claims 1, 4 and 6 are amended in a manner that Applicants believe overcome the rejections in the Office Action. New Claims 21-32 are added. Support for the amendments and new claims can be found throughout the specification and drawings of the present disclosure and recite aspects of the disclosure that Applicants are believed to be entitled. Applicants submit that no new matter or issues are introduced by the amendments and new claims. Claims 7-11 and 16-19 are cancelled without prejudice. Applicants reserve the right to pursue the subject matter of any cancelled claims of the present application in continuing and/or divisional applications.

In the Office Action, Claims, 1, 3-6, 9 and 16-19 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,631,999 to Walerowski ("Walerowski '999 "). Claims 9 and 16-19 have been cancelled.

Referring to Figs. 1-3, the Walerowski '999 patent discloses transportation units 2a, 2b for moving a container 1 with a flat bottom side (col. 2, lines 3-13). The flat bottom side of container 1, which rests on a ground surface, does not include tracks or wheels for engaging the ground surface. As such, the Walerowski '999 patent does not disclose front and rear subassemblies that couple to a construction machine, which has

a traction element, such as, for example, crawler tracks or wheels, disposed on a ground surface and is raised off the ground in a transportation position, contrary to the currently claimed subassembly configuration of the present application. This configuration advantageously avoids excessive height and weight drawbacks that can be associated with the transportation of construction machines.

In contrast to Applicants' presently claimed system for the transportation of construction machines, the Walerowski '999 patent fails to disclose subassemblies directly joined to a construction machine having at least one traction element, such as, for example, crawler tracks or wheels, whereby in a coupling position, the traction element is disposed on a ground surface and the construction machine is joined together with the subassemblies to form a single transportation unit, and in a transportation position, the traction element is raised off the ground.

The Walerowski '999 patent in no way discloses or suggests a subassembly configuration as recited in amended independent Claims 1 and 4 of the present application. Because of the above distinctions and advantages of the present disclosure, it is respectfully submitted that amended independent Claim 1, Claims 3 and 6 depending therefrom, independent Claim 4 and Claim 5 depending therefrom are patentable and not obvious over the Walerowski '999 patent. Reconsideration and withdrawal of the rejections are respectfully requested.

In the Office Action, Claims 7-8 and 10-11 are rejected under 35 U.S.C. §103(a) over the Walerowski '999 patent in view of U.S. Patent No. 4,262,923 to Weir ("Weir '923 "). Claims 7-8 and 10-11 have been cancelled. However, the Weir '923 patent was discussed and distinguished in previous amendments filed in the present case, and fails to cure the deficiencies of the Walerowski '999 patent to render obvious the inventive features of the present invention.

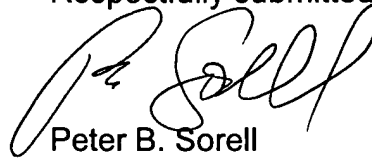
In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1, 3-6 and 21-32 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited. If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicant's undersigned attorney.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to **Deposit Account No. 04-1121**. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a

Application No.: 10/828,820  
Amendment Dated: October 21, 2008  
Reply to Office Action of April 21, 2008

petition to extend the time as required and charge **Deposit Account No. 04-1121**  
therefor.

Respectfully submitted

A handwritten signature in black ink, appearing to read "P. Sorell", written over the typed name.

Peter B. Sorell  
Reg. No. 44,349  
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd.  
Uniondale, NY 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516  
PBS:sbs